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ABSTRACT

Providing information on a memorandum of understanding (MOU) between the California State Board of Education and the Board of Governors of the California Community Colleges to facilitate the articulation and coordination of vocational education programs and services funded by the Carl D. Perkins Vocational and Applied Technology Education Act (VATEA), this document describes the planning process between the two agencies and timelines for division of funds. Following a brief introduction indicating that the MOU delegates the maximum responsibility to the Board in administration and operation of community college vocational programs funded by the VATEA, the report describes areas of agreement related to the following: (1) shared planning and coordination, including staff operations and the background, purpose, functions, and operational procedures of the Joint Advisory Committee on Vocational Education (JACVE); (2) the development of the state plan for vocational education and/or amendments, including the processes for adopting, developing, and monitoring the implementation of the plan and amendments; and (3) procedures for resolving differences, indicating that if the JACVE fails to reach an agreement, the presidents of each board will meet, then a joint session of the two boards will be held if the presidents cannot agree, and finally, if an agreement is still not reached, the Board of Education will make a decision. (KP)

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Memorandum of Understanding between the State Board of Education and the Board of Governors of the California Community Colleges Related to the Coordination of Vocational Education Programs and Services

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MEMORANDUM OF UNDERSTANDING
BETWEEN
THE STATE BOARD OF EDUCATION
AND
THE BOARD OF GOVERNORS OF THE
CALIFORNIA COMMUNITY COLLEGES

Introduction

Upon approval by the State Board of Education and the Board of Governors of the California Community Colleges, this Memorandum of Understanding (MOU), as provided in Education Code Section 12050(b), facilitates the articulation and coordination of federally funded vocational education programs and services, and, in addition, delegates to the Board of Governors, in consonance with the requirements of the federal Act and regulations, the maximum responsibility in administration, operation, and supervision of policies and procedures related to community college vocational programs provided for in the Act. This document shall describe the planning process between the two agencies and timelines for division of funds. The split of funds will be in compliance with the State Plan and the Carl D. Perkins Vocational and Applied Technology Education Act. The division of dollars in the State Plan is based upon the statewide needs assessment and such factors as relative needs and statewide priorities.

Upon execution of this MOU, no previous MOU between the parties is of any force or effect. This MOU replaces and supersedes any and all previous MOUs between the parties and embodies the totality of the agreement between the parties.

The MOU may be amended or revised by the mutual, written consent of the parties hereto and shall be reviewed each time a new State Plan is developed.

I Shared Planning and Coordination

A. Staff Operations

This section defines and delineates the cooperative working relationships and the role and responsibilities of staff of both agencies as they pertain to the administration and operation of shared federally funded vocational education programs and services. Staff are expected to model cooperation and collaboration in carrying out these responsibilities. Staff of both agencies shall:

1. Meet on a regular basis to cooperatively plan and discuss items of mutual concern relating to the administration and operation of federally funded vocational education programs and services.

2. Plan and coordinate support services to the Joint Advisory Committee on Vocational Education, including preparation of agendas, minutes of meetings, reports, and staff recommendations.

3. Participate jointly in the planning, development, dissemination, and implementation phases of the State Plan. Provide districts and agencies information on the process and specific timelines to develop and/or amend the State Plan.

4. In compliance with the State Plan and the federal Act, prepare on an annual basis interagency agreements to transfer federal vocational education funds to the Board of Governors according to the approved process for division of funds.

   The California Department of Education uses a "first-in-first-out" method of billing and accounting for federal funds; and therefore, annually, after financial records are reconciled, carryover funds generated by the Chancellor's Office shall revert to the Board of Governors through an amendment to the interagency agreement(s). Specific timelines for the development and approval of the interagency agreement(s) have been mutually established to assure timely flow of funds to all eligible districts and agencies. The following steps in the interagency agreement process must begin by April of each year with final approval by June 15:

   a. Draft agreement(s) jointly developed, based on prior year's funding

   b. Final draft(s) submitted for interagency agreement approval process

   c. Approval of interagency agreement(s) by June 15

   Amendment(s) to reflect (a) any increase or decrease in funds from the U.S. Department of Education and (b) any carryover funds from prior years will be finalized by <u>November</u> 30.

   Although the above timeline is subject to a timely flow of information from the U.S. Department of Education, the interagency agreements can be renewed using past year allocation figures and amended to reflect current year dollars when California's grant award notification letter is received.

5. Jointly provide information to eligible recipients regarding implementation of the State Plan goals and objectives and the related expenditures. Staff shall cooperatively establish due dates and format for the reporting of this information.

6. Plan and coordinate data collection and statistical and narrative information for annual fiscal and performance reports as required by federal regulations.

7. Develop operational definitions and methods of verification needed to collect, analyze, and report meaningful statistical data for determining needs, division of funds, core standards and measures, program review, and fiscal and performance reports.

8. Recommend committee appointments as needed to assure compliance with the federal Act and provide for cooperation and collaboration with districts and agencies.

9. Address other topics of mutual concern and interest pertaining to federally funded vocational education programs and services.

B. Joint Advisory Committee on Vocational Education

1. Background

On July 11, 1968, the State Board of Education, with concurrence of the Board of Governors of the California Community Colleges, approved creation of a Joint Committee on Vocational Education. This Committee, composed of three members from each Board, meet on a regular basis to discuss matters pertaining to federally funded vocational education programs and services that are of mutual concern to both boards.

2. Purpose

The Joint Advisory Committee on Vocational Education is an advisory body created by the State Board of Education and the Board of Governors of the California Community Colleges to provide a forum for discussion of federally funded vocational education programs and services. The Committee promotes articulation, cooperation, and collaboration in the statewide coordination and planning for high-quality vocational education programs and services at all educational levels and makes recommendations that are in the best interests of the State on those matters of mutual concern to the State Board of Education and the Board of Governors.

3. Functions

The functions of the Committee are to facilitate communication, articulation, and coordination and to make recommendations necessary to accomplish the following major tasks:

a. Encourage coordination in the planning, development, and implementation of the State Plan and/or amendments to the Plan.

b. Distribute shared federal funds between the State Board of Education and the Board of Governors in accordance with the State Plan, the Memorandum of Understanding, and the federal Act.

c. Assure compliance with the State Plan and federal requirements in regard to evaluation of programs and services, data collection, and fiscal and performance reports.

d. Provide a forum for discussion of issues and concerns on vocational education programs and services supported by the shared federal funds by secondary school and community college districts, local educational agencies, and other interested parties.

e. Encourage program improvement, integrated academics, research, exemplary and innovative programs, curriculum development, personnel training, guidance and counseling, dissemination, gender equity, technical preparation, and other special projects and areas determined to be of mutual interest and concern.

f. Encourage long-range planning to meet the education and employment needs of California, including emerging occupations and applications of new technologies.

g. Support access by and supportive services to underserved populations for entrance to and success in vocational education programs.

4. Operational Procedures

The Joint Advisory Committee on Vocational Education consists of three members of the State Board of Education and three members of the Board of Governors of the California Community Colleges. Members are appointed annually by the presidents of

their respective boards for one- or two-year terms. To provide continuity, terms will be staggered so that at least two members, one from each Board, will continue the following year. The chair and vice chair of the Committee rotate each year between representatives of the State Board of Education and the Board of Governors.

The Committee holds regularly scheduled meetings on a quarterly basis. All meetings are conducted in accordance with Roberts Rules of Order and the Bagley-Keene Open Meeting Act (*Government Code* Sections 11120-11131). The Committee shall announce annually its schedule of regular meetings; if business necessitates, additional meetings may be scheduled.

The State Superintendent of Public Instruction and the Chancellor of the California Community Colleges annually designate staff to provide support to the Committee. Staff from both educational agencies cooperatively prepare agendas, reports, minutes, and other necessary materials for Committee meetings.

II Development of the State Plan and/or Amendments

The State Plan shall be developed in compliance with Section 113 of the Carl D. Perkins Vocational and Applied Technology Education Act (and any acts amending or succeeding this Act). The process shall include an assessment of program quality as required in Section 115 of the Act, as well as broad field input from practitioners, educators, business, industry, labor, and government. The State Plan shall describe the estimated distribution of funds for each type of institution listed by instructional level, as required in Section 403.32(b)(4) of the final rules and regulations, and be in support of the comprehensive plan for vocational education and job training in California and, to the extent possible, related state priority efforts as identified by the State Board of Education and the Board of Governors.

Any individual, eligible recipient, organization, state agency representative, or member of the State Board of Education or the Board of Governors may make recommendations as to the content of the State Plan, providing such proposals are not in conflict with PL 101-392.

A. Process for Adoption of State Plan

Two or more public hearings shall be held to allow comments and recommendations on the State Plan. Public notice procedures of the State Board of Education shall be followed. The State Board of Education shall establish and convene a panel representing the State Board of Education, the Board of Governors, agency staff, and field practitioners to hear public testimony on the proposed Plan. Every effort

will be made to schedule public hearings on the State Plan to provide maximum access to individuals wishing to testify before the panel. Written input may also be submitted as directed in the Public Hearing notice. A summary of the testimony and the hearing panel's recommendations will be prepared by agency staff following the hearings.

The State Committee of Practitioners on Vocational Education shall review and comment on any proposal pertaining to their responsibilities, as required in Section 115 of the Act. The State Council of Vocational Education (SCOVE) and the State Job Training Coordinating Council (SJTCC) shall have the opportunity to review and comment on the proposed plan at least sixty days prior to submission to the U.S. Department of Education, as required in Section 403.33 of the final rules and regulations.

After consultation with the Board of Governors and with SCOVE and SJTCC, the State Board of Education will take action to approve the content of the State Plan. After approval, the State Plan will be submitted to the U.S. Department of Education, along with a record of the review and comments, as required in the Final Regulations: 34 C.F.R. Section 403.31 and 403.32. Upon receipt of approval of the State Plan by the U.S. Department of Education, the California Department of Education and the Chancellor's Office of the California Community Colleges will distribute the Plan in a timely manner to eligible recipients under PL 101-392 and interested parties.

B. Process for Development of the State Plan

The State Plan will be submitted to the U.S. Department of Education by May 1 prior to the July implementation of the Plan. In order to meet this timeline, the process to develop the State Plan shall begin approximately 18-22 months in advance of the May 1 due date. The State Plan development process includes the following steps:

- Preliminary planning process
- Implementation of needs assessment and process for field participation and input
- Completion of first draft
- Sixty-day review and comment on proposed Plan by SCOVE and SJTCC
- Public hearings on proposed Plan (thirty-day advance notice required)
- Final editing of Plan
- Review and comment on State Plan by Joint Advisory Committee on Vocational Education

- State Plan recommended to Board of Governors and State Board of Education
- Formal action to approve State Plan by State Board of Education
- Submission of State Plan to U.S. Department of Education by May 1

C. Process to Monitor Implementation of the State Plan

On a quarterly basis, the California Department of Education and the Chancellor's Office shall provide information to the Joint Advisory Committee on Vocational Education and their Boards regarding implementation of State Plan goals and objectives and the related expenditures. Any proposal for amending the planned uses of funds shall be brought to the Board of Governors and the State Board of Education for discussion and consideration prior to any changes being made.

Annually, the State Board of Education will review the progress of the major efforts for the vocational education programs and services of the California Department of Education and the Chancellor's Office of the California Community Colleges. This review will also include major focus and plans for the next year. In compliance with the State Plan, this MOU, and the federal Act, available funds will be directed to the California Department of Education and the Chancellor's Office.

D. State Plan Amendments

The need to amend the State Plan may arise at any time during the year when changes in program conditions, labor market conditions, funding, or other factors require substantial amendment of an approved State Plan. Any individual, eligible recipient, organization, state agency representative, or member of the State Board of Education or the Board of Governors may suggest amendment(s) to the State Plan. The State Board of Education will refer the proposed amendment(s) to the Joint Advisory Committee on Vocational Education and staff of the two agencies for review and research and provide an appropriate mechanism for field input and discussion. The State Board of Education will then determine 1) if the proposed amendment(s) address and meet the intent of the Act and 2) if the proposed amendment(s) warrant a public hearing.

1. Process for Adoption of Amendment(s) to State Plan

The process for adoption of amendments to the State Plan is identical to the process to adopt the State Plan. See Section II-A of this MOU.

2. Process for Development of Amendments to the State Plan

Once determination has been made that an amendment is needed, the following activities will occur:

- The **proposed** amendment will be presented to the Joint Advisory Committee on Vocational Education, the Board of Governors, and the State Board of Education for review and comment.
- The **proposed** amendment(s) will be presented to SCOVE and SJTCC for review and comment.
- Public hearings on the proposed amendment(s) will be held.
- The State Board of Education will take action on the proposed amendment(s).
- If approved by the State Board of Education, the amendment(s) will be submitted to the U.S. Department of Education, along with a record of review and comment from the Board of Governors.

III Procedures for Resolving Differences

The State Board of Education and the Board of Governors recognize that a coherent vocational education program is in the best interests of California and have established a Joint Advisory Committee on Vocational Education to assure cooperation and collaboration in planning, implementing, and evaluating federally aided programs under the Carl D. Perkins Vocational and Applied Technology Education Act. However, given that each Board has a vested responsibility for different educational segments, it is reasonable to expect that occasional differences may occur. If differences occur, they will be resolved as follows:

Step 1:

Should the Joint Advisory Committee on Vocational Education fail to reach agreement on a recommendation to their respective Boards, or should recommendation(s) from this group be accepted by one Board and rejected by the other, the Presidents of each Board shall meet to discuss the issue(s) and, if possible, develop a recommendation to resolve the issue(s).

Step 2:

Should the Presidents of the two Boards not reach an acceptable compromise, then the two Boards may wish to meet jointly to discuss the issue(s). Either Board may request a joint meeting.

Step 3:

If a resolution to the issue(s) that is acceptable to both Boards cannot be reached, then the California State Board of Education shall make the decision. The State Board of Education's decision, along with a record of review and comment on the issue(s), shall be forwarded to the U.S. Department of Education as required in the Final Regulations: 34 C.F.R. Sections 403.31 and 403.32.